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I. TERRITORY AND POPULATION

A. Geographical outline

1. Ukraine is a State located in the central and south-eastern part of Europe. It has a total area of 603,700 km^2 and borders on Moldova, Romania, Poland, Hungary, Belarus, Russia and Slovakia. The total length of its frontiers is 6,500 km, including 1,050 km of sea coast.

2. The climate in most of the country's territory is temperate continental; only a narrow strip in the extreme south-east of the Crimean peninsula has a subtropical climate. Ukraine includes three physico-geographical zones - mixed forest, forest-steppe and steppe - and two mountain ranges, the Carpathians and the Crimean mountains. The relief is generally flat. The relative warmth of the climate is conducive to the development of agriculture, while the presence in the ground of almost all useful minerals required in the economy favours the development of industrial production.

3. Ukraine is composed of 24 regions, the Autonomous Republic of Crimea, 490 districts, 447 towns, 904 urban-type settlements and 10,210 villages. The capital of Ukraine is Kiev. The average population density is 84.3 persons per km^2.

B. Population outline

4. The population, as of 1 January 1997, stood at 50.9 million, including 23.6 million males (46 per cent) and 27.3 million females (54 per cent). It had declined by 0.4 million from the previous year. The urban population was 34.5 million and the rural population 16.4 million. At 1 January 1997, the number of women per 1,000 men was 1,153 (1,140 in towns, 1,180 in the country).

5. The population's age pattern was as follows: as of 1 January 1997 the number of persons over working age was 11.6 million, or 5.9 per cent more than at 1 January 1990. The number of persons of non-working age per 100 persons of working age was 786, including 380 children under the age of 16 and 406 persons over working age. Persons under working age account for 21.1 per cent of the total population. Persons of working age (women: 16-54 years, men: 16-59 years) represent 56 per cent of the total population and persons over working age 22.9 per cent. Ukraine is one of the countries with the "oldest" populations, the average age of its citizens being 38 years. The situation with regard to the burden on those of working age is particularly bad in rural areas, where for every 1,000 persons of working age there are 1,044 of non-working age: 448 children and 596 persons over working age. The figure for the burden on workers in the sphere of material production has also increased: for every worker in material production, there are now more than 2.2 persons who are either working in the non-production sphere, or are children or pensioners.

6. National composition of the population. Ukraine is a multi-ethnic State. According to the 1989 census figures, representatives of more than 130 nationalities and ethnic groups live in its territory. The main indigenous nationality is Ukrainians (37.4 million persons or 72.7 per cent of

the total population). The other ethnic groups, which total around 14 million persons, include 11.4 million Russians (80.9 per cent), 486,000 Jews, 440,000 Belarusians, 325,000 Moldovans, 234,000 Bulgarians, 219,000 Poles, 163,000 Hungarians, 135,000 Romanians and others. According to the "Declaration of Rights of Nationalities of Ukraine" which has been adopted, the Ukrainian State guarantees equal political, economic, social and cultural rights to all nationalities, national groups and citizens living in its territory.

7. The official State language is Ukrainian. In Ukraine the free development, use and protection of Russian and of the languages of other national minorities is guaranteed. The State encourages the study of languages used for international communication. In areas compactly settled by national minorities, the recognized vernacular of the area's population may be used side by side with the official State language.

8. The multinational composition of the population of Ukraine is also reflected in the nationality composition of families. Two thirds of Ukraine's total of 14 million families are single-nationality, while the remaining one third include members belonging to different nationalities.

9. In 1996, the average length of life was 66.9 years. Average life expectation at birth was 61.4 years for men and 72.7 years for women.

10. Ukraine has quite a high child mortality figure. In 1996, there were 14.3 deaths of children aged less than 1 year per 1,000 live births. This fact is due to a number of causes: the general catastrophic deterioration in environmental conditions, particularly as a result of the Chernobyl disaster, the state of health of women, conditions of work for pregnant women, etc.

11. The maternal death rate in 1996 was 30.4 maternal deaths per 100,000 births.

12. The country's falling birthrate is due principally to changes in the age pattern of the population. By the end of 1996, the number of women of maximum fertility age (20-29 years) had diminished by 191,321 (5.2 per cent) as compared with 1989. The fertility factor (average annual number of births per 1,000 women aged 15 to 49) was 36.6. The total birthrate coefficient (average number of children born per woman) was 1.3.

C. Social and economic indicators

13. Ukraine is going through a period of fundamental political and economic change. During the six years which have elapsed since independence, the State has laid the basic foundations for a democratic system and civil society.

14. In October 1994 the President of Ukraine proclaimed a new economic policy based on far-reaching economic reforms designed to build an integral, socially oriented, mixed national economy of the market type, capable of ensuring the material well-being of the nation and the true independence of the State.

15. The programme of economic transformation which has been adopted provides for the attainment of strategic goals of the greatest importance: financial stabilization is to be achieved by drastically reducing the inflation level; the country's balance of payments is to be balanced by promoting export activities; foundations for stable economic growth are to be laid by creating the conditions necessary for economic activity. The reform programme includes carrying through a land reform, completing privatization, reducing the level of government subsidies to enterprises, improving the banking system, offering incentives to external trade by cutting the list of goods subject to quotas and licences and introducing a system whereby the economic interests of the State are protected from unfair competition.

16. The most important goal of the Ukrainian Government is to ensure equal and favourable operating conditions for domestic and foreign investors and to create an attractive climate for investment in Ukraine, principally by improving the legal conditions for foreign investment and by developing an infrastructure for international business. However, in the last few years the downward trend in capital investment has continued in Ukraine, which has a corresponding effect on the development of the economy as a whole. This is because of the reduced investment capacity in the budgets of economic agents at all levels and the lack of adequate market mechanisms for attracting funds for investment from foreign commercial banks. There are at present some 60,000 projects for industrial and non-industrial facilities awaiting completion, with a total value at the end of 1996 of about 56 billion hryvni. The annual requirement for budgetary investment in capital construction alone, according to figures from ministries and other central organs of executive power, is 7 or 8 billion hryvni.

17. Since the economic reform programme was put into effect in the autumn of 1994, the Ukrainian Government has succeeded, through a tight monetary and credit policy, in achieving a considerable reduction in the rate of inflation and stabilization of the rate of exchange. The new national currency, the hryvnia, was successfully introduced in September 1996. Major structural reforms have been initiated, a mass privatization programme has been launched, price controls have practically been abolished and trade has been essentially liberalized.

18. At 1 July 1997 the volume of direct foreign investment stood at over $1.6 billion. There are at present some 6,000 enterprises with foreign investment operating in Ukraine, of which over 3,000 are joint enterprises, with a share of GDP amounting to over 8 per cent. The average monthly inflation level in 1997 was 0.7 per cent.

19. At present Ukraine maintains external economic relations with over 185 countries. The total volume of foreign trade for 1996 was $37.82 billion, which was 16.9 per cent higher than in 1995. This reduced the foreign trade deficit to $893.5 million. For the first time since independence, exports grew faster than imports.

20. At the same time, despite the major steps undertaken by the Government and despite the positive developments referred to, an analysis of the general indicators of the economic situation in Ukraine shows that complex problems still remain to be solved in the social and economic fields. Over the period

1993-1996, GDP fell by 47.7 per cent, including 10 per cent in 1996, to 80.5 billion hryvni. According to data provided by Ukraine's European Centre for Macroeconomic Analysis, the per capita GDP in 1996 was $844.

21. In 1996 Ukraine's consolidated budget deficit represented 4.9 per cent of GDP. The budget deficit for 1997 is planned at 5.7 per cent.

22. As of 1 August 1997, Ukraine's external national debt amounted to $9.241 billion including $2.283 billion to the Russian Federation. The State budget deficit for 1998 is planned to be 5.2 per cent of GDP.

23. As of 1 October 1997, 621,400 citizens were registered with the State employment service as not being in employment; 577,700 of these had the status of unemployed persons. The unemployment level at 1 October 1997 was 2.1 per cent of the potential working population, 65.8 per cent of the unemployed being women.

24. Although in 1996 nominal wages were 70 per cent higher than in 1995, in December 1996 the wages index stood at 86.2 per cent of the December 1995 level.

25. According to the 1989 census, Ukraine had 42,000 illiterate citizens aged between 9 and 49 years, of whom 22,000 were male and 20,000 female. The overwhelming majority of these people are not capable of working. Persons with higher education accounted for 10.4 per cent of the total population, those with specialized secondary and incomplete higher education for 19.5 per cent and those with general secondary education for 31.1 per cent.

26. Thirteen religious faiths forming a total of 8,021 communities were registered in Ukraine in 1989. As of 1 January 1997 there were 69 churches and other religious groupings active in Ukraine, forming 19,031 communities. The largest among them at the present time are the Ukrainian Orthodox church (Moscow Patriarchate, 7,018 communities), the Ukrainian Greek Catholic church (3,176 communities), the Ukrainian Orthodox church (Kiev Patriarchate, 1,591 communities), the All-Ukrainian Union of Baptist Christian Societies (1,667 communities) and the Ukrainian Autocephalous Orthodox Church (1,184 communities). In 1996 the All-Ukrainian Council of Churches and Religious Organizations was established.

II. GENERAL POLITICAL STRUCTURE

A. Brief historical review

27. In the second century B.C., in the areas of Ukraine which are now forest-steppe, the woodlands and part of the steppe were inhabited by Slavic tribes growing crops and keeping livestock. From the fourth century A.D. onward their successors, the Eastern Slavs, who lived in the territory of today's Ukraine, combined to form the ethnic group known as "Anty". The social and economic development of the Eastern Slavs led in the middle of the ninth century A.D. to the emergence of a new political formation, Kievan Rus, a State more than half of whose territory, from the Carpathians to the Volga and from the White Sea to the Black, was settled by a proto-Ukrainian

population. The specific features of this State were its developed legal culture, its written law and its tolerant relations with neighbouring peoples.

28. By the twelfth century Kievan Rus had broken up into some 15 independent principalities. In 1240 the capital of Rus, Kiev, was captured by the Tatar Mongols, but the legacy of Ukrainian statehood was taken over by Galich-Volhynian Rus (thirteenth century) and, later, by the Principality of Greater Lithuania (mid-fourteenth century until 1569).

29. In the middle of the sixteenth century a military Cossack formation, the Zaporozhye Sech, was created on the lower reaches of the river Dnepr and became the centre of the struggle for the revival of the Ukrainian State.

30. The national liberation war waged by the Ukrainian people in the mid-seventeenth century under the leadership of Bogdan Khmelnitsky restored Ukraine's independence. Military and political successes facilitated the revival of ancient Ukrainian law and the development of new law.

31. As a result of the anti-Ukrainian policies of Russian Tsarism, Ukrainian statehood was again abolished at the end of the eighteenth century and until 1917 the Ukrainians remained under the yoke of foreign empires - Russia and Austro-Hungary.

32. After the fall of autocracy in Russia a new attempt was made to restore the Ukrainian State. A Ukrainian People's Republic was proclaimed on 20 November 1917. Domestic problems and the aggressive policies of Ukraine's neighbours led to loss of statehood.

33. 1920-1990. The principal stages of this period were the victory won in the Second World War, the "thaw" of the Khrushchev era, the "period of stagnation" under Brezhnev, the indecisiveness of Gorbachev's perestroika and the collapse of totalitarianism. This period was accompanied by the enforced Russification of the whole of Ukraine's political and public life.

34. The State Independence Act adopted by the Supreme Council of Ukraine on 24 August 1991 and confirmed by a national referendum on 1 December of the same year proclaimed Ukraine an independent sovereign State. This occurred as a result of the de facto break-up of the USSR, initiated by its constituent republics.

35. Ukraine is a founder State of the United Nations and has been a full Member of the Organization from its inception. On 30 January 1992 Ukraine became an independent full member of the Conference on Security and Co-operation in Europe. On 9 November 1995 Ukraine became a member of the Council of Europe.

B. State organization, political regime, form of government

36. Ukraine is a unitary State. The territory of Ukraine within its existing frontiers is indivisible and inviolable.

37. The Autonomous Republic of Crimea is an inalienable part of Ukraine and within the limits of the powers defined by the Constitution of Ukraine decides

on matters placed within its competence. Legal instruments adopted by the Supreme Council of the Autonomous Republic of Crimea and decisions by its Council of Ministers may not run counter to the Constitution and laws of Ukraine but have to be adopted in accordance with the Constitution of Ukraine, the laws of Ukraine and decisions by the President and the Cabinet of Ministers of Ukraine and in implementation thereof.

38. Ukraine is a sovereign and independent, democratic and social State governed by the rule of law.

39. Human rights and freedoms and the safeguards for them determine the nature and direction of action by the State. The State is answerable to the citizen for what it does. The strengthening and safeguarding of human rights and freedoms is the State's main obligation.

40. Ukraine is a republic. Sovereignty is vested in the people, who are the only source of power in Ukraine. The people exercise power directly and through the organs of State power and local self-government.

41. In its form of government, Ukraine has elements both of a presidential and of a parliamentary republic (a presidential-parliamentary republic).

42. On 28 June 1996, the Supreme Council of Ukraine adopted the Constitution of Ukraine, which establishes the basic principles governing the organization and operation of State power and local self-government. An article in the Constitution provides that State power shall be exercised in Ukraine in accordance with the principle of separation of the legislative, executive and judicial powers.

43. Local self-government is recognized and guaranteed in Ukraine. Local self-government is the right of the territorial commune - the inhabitants of a village or a voluntary association of the inhabitants of a number of villages, of a settlement, or of a town to decide on matters of local importance independently, within the limits of the Constitution and laws of Ukraine.

44. The head of State is the President of Ukraine, who acts on behalf of the State. The President is the guarantor of Ukraine's State sovereignty and territorial integrity and of observance of the Constitution and of human and citizens' rights and freedoms.

45. The President is elected by the citizens for a period of five years on the basis of universal, equal and direct suffrage by secret ballot and for not more than two terms.

46. The President, with the agreement of the Supreme Council appoints the Prime Minister; he may suspend the Prime Minister's powers and take the decision to remove him from office and may rescind decisions by the Cabinet of Ministers of Ukraine and by the Council of Ministers of the Autonomous Republic of Crimea; he acts as Supreme Commander of the Armed Forces, has the right to veto legislation adopted by the Supreme Council, which is then sent back to the Supreme Council for reconsideration, and exercises the other powers set forth in the Constitution.

47. On the basis and in implementation of the Constitution and laws of Ukraine, the President issues decrees and ordinances, compliance with which is mandatory in the territory of Ukraine. The President's powers are precisely regulated by the Constitution. On 10 July 1994 Leonid Danilovich Kuchma was elected President of Ukraine. The next presidential elections will be held on the last Sunday in October 1999.

C. Executive power

48. The highest body in the system of organs of executive power is the Cabinet of Ministers of Ukraine. The Cabinet of Ministers is composed of the Prime Minister, the First Deputy Prime Minister, three other deputy prime ministers, and ministers. The Prime Minister is appointed by the President with the agreement of more than half of the constitutional membership of the Supreme Council. In August 1997 Valery Pavlovich Pustovoitenko was appointed Prime Minister of Ukraine.

49. The Cabinet of Ministers ensures the State sovereignty and economic independence of Ukraine, the execution of the State's domestic and foreign policy and the implementation of the Constitution and laws of Ukraine and the decisions of the President; takes measures to safeguard human and citizens' rights and freedoms; directs and coordinates the work of ministries and other organs of executive power and performs other functions determined by the Constitution and laws of Ukraine and the decisions of the President.

50. Executive power in regions and districts and in the cities of Kiev and Sevastopol is exercised by local government administrations. Heads of local government administrations are appointed and removed from office by the President on the proposal of the Cabinet of Ministers.

51. Local government administrations are accountable and subordinate to organs of executive power of a higher level.

D. Legislative power

52. The sole organ of legislative power in Ukraine is the Parliament - the Supreme Council of Ukraine, which under the Constitution is composed of 450 people's deputies elected on the basis of universal, equal and direct suffrage by secret ballot under a mixed (majority and proportional) electoral system.

53. The powers of the Supreme Council include: making amendments to the Constitution, calling an all-Ukrainian referendum, adopting laws, approving the State budget, removing the President from office under a special procedure (impeachment), appointing and removing from office the Human Rights Commissioner of the Supreme Council and hearing the Commissioner's annual reports on the situation with regard to the observance and protection of human rights and freedoms in Ukraine. The Constitution specifically regulates the questions to be decided through the adoption of laws by the Supreme Council.

54. The official interpretation of the Constitution and laws of Ukraine is the responsibility of the Constitutional Court.

55. The right of initiating legislation in the Supreme Council of Ukraine is vested in the President, people's deputies, the cabinet of ministers and the National Bank of Ukraine.

E. Judicial power

56. Justice in Ukraine is administered exclusively by the courts. Delegation of the functions of the courts, or appropriation of these functions by other bodies or officials, is not permitted. Judicial proceedings are conducted by the Constitutional Court and courts of general jurisdiction. The highest judicial body in the system of courts of general jurisdiction is the Supreme Court of Ukraine. The establishment of extraordinary and special courts is not permitted. The system of general courts of Ukraine at present includes: the Supreme Court of Ukraine, the Supreme Court of the Autonomous Republic of Crimea, regional courts and the Kiev and Sevastopol courts with similar status, city, interregional, okrug (interdistrict), district (city) courts and military courts. Until the existing legislation is brought into line with the Constitution, arbitration tribunals are administering justice in the economic sphere and do not belong to the system of general courts.

57. Under the Ukrainian Constitution, justice is administered by professional judges and, in cases specified by law, by people's assessors and jurors. The independence and immunity of judges is guaranteed by the Constitution and laws of Ukraine. Judges hold permanent appointments, except judges of the Constitutional Court and judges appointed for the first time. A professional judge is appointed for the first time for a period of five years by the President. All other judges, apart from judges of the Constitutional Court, are elected by the Supreme Council on a permanent basis in accordance with the procedure established by law.

58. Under the transitional provisions of the Constitution, the Supreme Court of Ukraine and the High Court of Arbitration are to exercise their powers in accordance with the existing legislation until a system of courts of general jurisdiction has been established in accordance with the requirements of the Constitution, but not for more than five years. Judges of all courts elected or appointed before the present Constitution came into force continue to exercise their powers under the existing legislation until the end of the term for which they were elected or appointed. Judges whose powers came to an end on the date of the entry into force of the present Constitution continue to exercise their powers for a period of one year.

59. The Constitutional Court is the sole organ of constitutional jurisdiction in Ukraine. The Constitutional Court decides on matters relating to the conformity of laws and other legal instruments with the Constitution and gives the official interpretation of the Constitution and laws of Ukraine. There are 18 judges of the Constitutional Court. The President, the Supreme Council and the Congress of Judges of Ukraine each appoint six judges to the Constitutional Court. Judges of the Constitutional Court are appointed for nine years and are not eligible for re-election. The procedure for the organization and operation of the Constitutional Court and the procedure for its consideration of cases are specified by law. Among other things the Constitutional Court has the power to decide on questions relating to the conformity with the Constitution (constitutionality) of laws of Ukraine and

legal acts by the Supreme Council of Ukraine, the President, the Cabinet of Ministers or the Supreme Council of the Autonomous Republic of Crimea. These matters are dealt with at the request of the President, no fewer than 45 people's deputies, the Supreme Court of Ukraine, the Human Rights Commissioner of the Supreme Council, or the Supreme Council of the Autonomous Republic of Crimea. The Constitutional Court also gives the official interpretation of the Constitution and laws of Ukraine and delivers findings regarding the conformity of Ukraine's international treaties with the Constitution and the observance of constitutional procedure in the investigation and consideration of any case concerning the removal of the President from office by impeachment.

60. Ukraine has a High Council of Justice, which is responsible for submitting proposals for the appointment of judges and their removal from office, adopting decisions on violations by judges and procurators of the requirements regarding incompatibility, conducting disciplinary proceedings against judges of the Supreme Court and judges of the higher specialized courts and considering applications for decisions to bring disciplinary proceedings against judges of appeal and local courts and procurators.

The High Council of Justice has 20 members. The Supreme Council of Ukraine, the President, the Congress of Judges, the Congress of Lawyers and the Congress of Representatives of Law Schools and Institutes each appoint three members to the High Council and the All Ukrainian Conference of Procuratorial Staff appoints two. The President of the Supreme Court, the Minister of Justice and the Procurator General are ex officio members of the High Council of Justice.

III. GENERAL LEGAL SYSTEM ENSURING THE PROTECTION OF HUMAN RIGHTS

61. Constitutional guarantees. Constitutional rights and freedoms are guaranteed and cannot be taken away. When new laws are adopted or existing ones amended, the content and scope of existing rights and freedoms may not be limited. Constitutional human and citizens' rights may not be restricted except in the cases specified in the Constitution. In a war situation or an emergency, specific restrictions may be imposed on rights and freedoms, with an indication of the period for which they are to apply, provided that the rights and freedoms in question are not among those which under the Constitution may not be restricted.

62. The human being, his life and health, honour and dignity, integrity and security are recognized in Ukraine as the highest social good. Human rights and freedoms and the safeguards for them determine the nature and direction of action by the State. The State is answerable to the citizen for what it does. Strengthening and safeguarding human rights and freedoms is the State's main obligation. The activity of State organs is based on unconditional respect for human rights and freedoms and observance of the country's laws and of international treaties which are part of the Ukrainian legal system.

63. The President of Ukraine is the guarantor of the country's national sovereignty and territorial indivisibility and of the observance of the Constitution and human and citizens' rights and freedoms.

64. The Constitutional Court of Ukraine is the judicial body authorized to give decisions on the non-conformity of laws and other legal acts with the Constitution (on their unconstitutionality), whether in whole or in part, in the event of their violating human rights. Laws and other legal acts or individual provisions thereof which have been declared unconstitutional cease to have effect from the date on which the Constitutional Court declares that they are unconstitutional. Any physical or moral damage caused to individuals or bodies porate by instruments and actions declared unconstitutional gives rise to compensation by the State in accordance with the procedure specified by law.

65. Everyone is entitled to appeal to the Human Rights Commissioner of the Supreme Council of Ukraine for the protection of his rights. The Commissioner exercises parliamentary supervision over the observance of constitutional human and citizens' rights and freedoms. At the request of the Human Rights Commissioner the Constitutional Court considers questions relating to the conformity with the Constitution (constitutionality) of legislative and regulatory instruments which violate human rights. It is the duty of the Ukrainian Parliament to appoint the Human Rights Commissioner of the Supreme Council and to remove him from office, and to hear his annual reports on the situation with regard to the observance and protection of human rights and freedoms in Ukraine. A law on the Human Rights Commissioner of the Supreme Council of Ukraine as the situation stood in October 1997 was under consideration by the Supreme Council.

66. The Ministry of Justice of Ukraine is the organ of executive power established for the purpose of implementing State legal policy, ensuring the provision of legal services, organizing and providing for the operation of the judicial system, directly drafting legislation on the protection and development of human rights and providing expert legal appraisals of legislation and regulations which affect citizens' rights and freedoms and lawful interests.

67. The system of law enforcement organs in Ukraine comprises the Procurator's Office, the internal affairs organs and the Security Service. The Ukrainian Procurator's Office is a unified system which is responsible for prosecuting on behalf of the State in the courts, representing the interests of the citizen or the State in the courts in the cases specified by law, supervising compliance with the law by the organs carrying out operational investigative activities, inquiries and pre-trial investigation, supervising compliance with the law in the implementation of court decisions in criminal cases and in the application of other measures of a coercive nature connected with restrictions on citizens' personal freedom. The organization and procedure for the operation of the organs of the Ukrainian Procurator's Office are specified by law. The head of the Procurator's Office is the Procurator General of Ukraine, who is appointed with the agreement of the Supreme Council and removed from office by the President. The Supreme Council can declare that it has no confidence in the Procurator General, which entails his removal from office. The term of office of the Procurator General is five years. The Ministry of Internal Affairs coordinates and ensures the application of government policy relating to the preservation and protection of the rights and freedoms of citizens and of State and public interests from unlawful encroachments upon them. The basic task of the Security Service of

Ukraine is to protect the constitutional order, territorial integrity and economic, scientific, technical and defence capacity of Ukraine, the lawful interests of the State and the rights of citizens against intelligence activities by foreign special services and encroachments by individual organizations, groups and persons. The Security Service's tasks also include preventing, detecting, stopping and exposing crimes against the peace and security of mankind, terrorism, corruption and organized crime in the sphere of government and the economy and other unlawful activities which directly threaten Ukraine's vital interests.

68. Everyone is entitled, after exhausting all national remedies for legal protection, to appeal for the protection of his rights and freedoms to the international judicial institutions or to the appropriate organs of international organizations of which Ukraine is a member or in which it participates. Thus on 11 September 1997 the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols Nos. 1, 2, 4, 7 and 11 to the Convention came into force for Ukraine, making it possible for Ukrainian citizens to appeal to the European Commission and European Court of Human Rights if their justified demand for the restoration of their rights and lawful interests has not been satisfied through application to the national mechanisms for their protection.

69. Means of legal protection. Everyone is entitled to protect his rights and freedoms from violations and unlawful encroachments by any means not prohibited by law. Everyone is entitled to receive compensation from the State or local self-government organs for physical and moral damage caused by unlawful decisions, actions or failure to act by organs of State power, organs of local self-government or their officials or agents in the exercise of their powers.

70. Human and citizens' rights and freedoms are protected by the courts. Everyone is guaranteed the right to appeal to the courts against decisions, actions or failure to act by organs of State power, local self-government organs, or officials or agents. The basic principles governing judicial proceedings are as follows: legality; equality of all participants in a trial before the law and before the court; need for proof of guilt; adversarial procedure and freedom of the parties to present their evidence to the court and prove to the court that it is convincing; presentation of the case for the prosecution by the procurator in court on behalf of the State; right of the accused to defence; openness of the trial and its recording in full by technical means; provision for appeal against court decisions on grounds of fact and of law, except in the cases specified by law; binding nature of court decisions. The law may establish other principles governing judicial proceedings in the courts of specific jurisdictions. Persons guilty of contempt of court or disrespect for the judge are liable to prosecution. In administering justice judges are independent and subject only to the law.

71. Everyone has the right to legal assistance. In the cases specified by law such assistance is mandatory and is provided free of charge. Everyone is free to choose a counsel to defend his rights. The task of ensuring that people have the right to defence against charges and of providing legal assistance when cases are heard by courts and other State organs is undertaken in Ukraine by the legal profession, a voluntary public professional

association called upon to assist in the protection of rights and freedoms and to represent the legal interests of Ukrainian citizens, foreign citizens and stateless persons. A suspect, accused person or defendant is entitled to defence. In criminal proceedings the defence counsel is involved in the case from the moment when the accused is charged and also where a person is arrested or subjected to restrictive measures by being taken into custody, and in any case not later than 24 hours after the arrest. A convicted person enjoys all human and citizens' rights with the exception of the restrictions provided for by law and specified in the court sentence.

72. Civil proceedings before the courts in cases of a civil action commence with the bringing of the action; in cases relating to administrative law and in individual cases, they commence with the submission of a complaint or application. Under the Ukrainian laws of criminal procedure, the participants in the trial, and in particular the accused, defendant or suspect, defence counsel, victim, civil claimant or respondent, have the right to submit complaints against actions or decisions of the person conducting the inquiry, the investigator, the procurator, the judge or the court.

73. Under the Act of Ukraine on the Procedure for Compensation for Damage Caused to a Citizen by Unlawful Actions of the Organs of Inquiry or Preliminary Investigation, the Procurator's Office or the Court, citizens of Ukraine are entitled to compensation for damages arising from unlawful actions by the law enforcement agencies concerned that are specified by law. Full compensation is paid for the damage caused irrespective of the officials' guilt. The citizen is compensated for earnings and other money income lost as a result of the unlawful actions, for property confiscated, removed or seized for fines and court costs he has paid and for moral damage.

74. For rehabilitation, the person concerned has to apply to the organs of the Procurator's Office or to the courts responsible for the last judicial decision. In the event of disagreement with the finding (decision) of the court it may be appealed against to a higher court on grounds of law.

75. Article 440[1] of the Ukrainian Civil Code provides for compensation for moral damage caused to a citizen or organization by the actions of another person who has infringed their lawful rights unless that person proves that the moral damage was not his fault. Compensation for moral damage is paid in money or in some other material form as decided by the court, independently of compensation for material damage.

76. Application of Ukraine's international treaties. International treaties in force, to the binding nature of which the Supreme Council of Ukraine has given its consent, are part of Ukraine's domestic law. The conclusion of international treaties running counter to the Constitution of Ukraine is possible only after the appropriate amendments have been made to the Constitution. At the request of the President or the Cabinet of Ministers, the Constitutional Court will give a ruling on the conformity with the Constitution of Ukraine's international treaties that are in force or of international treaties submitted to the Supreme Council of Ukraine for ratification.

77. In dealing with a case, the court is guided by the appropriate codes and other legislative instruments of Ukraine and by its international treaties which have been concluded and duly ratified by the Supreme Council of Ukraine and form an integral part of its domestic legislation. If any of Ukraine's international treaties embodies rules different from those contained in Ukrainian legislation, the rules of the international treaty apply.

78. In cases where the implementation of Ukraine's international treaties requires the adoption of an act of Ukraine, a decree by the President or a decision by the Supreme Council or Cabinet of Ministers, the ministries concerned, other central organs of State executive power of Ukraine, or the Government of the Autonomous Republic of Crimea shall, by agreement with the Ministry of Justice of Ukraine and in accordance with established procedure, submit proposals for the adoption of the appropriate instrument.

IV. INFORMATION AND PROPAGANDA

79. The Government of Ukraine has drawn up and is giving effect to a national programme of instruction in legal matters for schoolchildren and students. A State programme for improving the legal education of the population of Ukraine was drawn up in 1995. These programmes provide for the dissemination among the population of knowledge of both international legal instruments and domestic legislation. Since 1996 a human rights course has been introduced in Ukrainian schools. Special human rights courses are given at all the country's law schools and colleges.

80. Ukraine's reports to the bodies established in accordance with different human rights instruments of the United Nations and the Council of Europe with a view to monitoring the compliance of States parties with their treaty obligations are drawn up by the Government on the basis of information and special data supplied by the ministries and other organs of the central executive power responsible for the performance of specific obligations in the area concerned and coordinated by the Ministry of Justice and the Ministry of Foreign Affairs. Non-governmental and community organizations are also involved in the preparation of the reports.

81. With a view to making the population widely acquainted with the main international documents in the human rights sphere, their texts are reproduced in various publications: newspapers and journals. Several compendiums of international legal instruments translated into Ukrainian have been published. The Ministry of Justice puts out a weekly Official Gazette in which it publishes all the legislation and regulations adopted over the previous week, including international treaties which have entered into force for Ukraine. There are a number of reputable publications in Ukrainian and English devoted specifically to human rights: the Ukrainian Human Rights Bulletin, the Human Rights Annual and Law News, which in addition to other material print and publicize the main international legal instruments in the field of human

rights, describe the monitoring mechanisms set up under these instruments and provide information for Ukrainian citizens on the international bodies they can apply to after having exhausted all remedies at the national level. The Council of Europe's information and documentation centre in Ukraine publishes a bulletin which reproduces the Council's major treaties and describes the powers and functions of the European Court of Human Rights and the European Commission on Human Rights.

82. The media, radio and television play an important role in disseminating information.